

IN THE CHANCERY COURT FOR
WASHINGTON COUNTY, TENNESSEE AT JONESBOROUGH

BOBBY MacBRYAN GREEN)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 41049
)	
JODI JONES, HOWELL SHERROD,)	
BETTY ANN POLAHA, and)	
MARY LEE JONDAHL)	
)	
Defendants.)	
)	

RESPONSE TO PLAINTIFF'S MOTION TO ALTER OR AMEND

Come the respondents, Jodi Jones, Betty Ann Polaha and Mary Lee Jondahl, by and through their attorney, Howell H. Sherrod, Jr., and would show unto this Honorable Court in response to the Motion filed by the Plaintiff/Petitioner, Bobby Green, the following:

1. That the final decree was entered as the result of evidence introduced in to open court, the argument of counsel, the stipulations of the parties and from the entire record and was correct in its entirety in the document styled "FINAL DECREE".
2. That the Plaintiff was represented by Thomas C. Jessee, as the attorney of record, who was present at all times material on August 9, 2011.
3. That Green's allegation in paragraph 3 is pure nonsense and the list to which he refers was attached to the final record and was faxed to the clerk as soon as

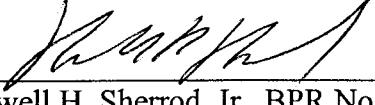
it was noticed that the list was not initially attached to the Final Decree. This took about 13 minutes and Green's objection has no legal basis.

4. That Green correctly opines without any basis that the Final Decree was prepared by Sherrod and omits the fact that the draft was presented to Green's attorney who approved same verbally before it was ever filed rendering Green's objection moot.
5. That Green's objection to affidavits has no basis and it should be pointed out to the Court that the Defendants and their witnesses had come to Jonesborough for hearings on two specific times which Green never bothered to attend. That Green's complaint that his "sworn statements" were disregarded is accurate because none of his "sworn statements" had any basis either factual or legal, nor were they made on personal knowledge.
6. That Green's complaint as to "evidence introduced in to open Court" and "stipulation of the parties" is totally false and not made by personal knowledge since Green was not present.
7. That Green's list of facts sworn to by Green was in fact refuted and his legal evaluation is bogus throughout.
8. That Green's complaint that he was allowed no opportunity to present to the Court crucial facts was due to his own failure to attend hearings about which he was aware and chose to avoid. That Green's complaint that he was denied access to crucial documents is inaccurate and Green's complaint about no valid meeting of the Executive Board is totally wrong.

9. That Green's claim that he is entitled to exercise his rights under *TRCP 56* has never been contested but there are no facts which would support his position made on personal knowledge or with any legal basis. By way of example and not of limitation Green complains that his request for injunctive relief was not addressed but fails to advise this Court that while the Honorable Chancellor, Richard G. Johnson was ill that Green submitted his request for injunctive relief to the Honorable Tom Seeley, who rejected his request for a temporary injunction.

WHEREFORE, the Defendants move this Honorable Court to again dismiss Green's cause of action including but not limited to the Motion to Alter or Amend and tax all costs, including attorney fees in the amount of Three Thousand Five Hundred Dollars (\$3,500.00), to Green.

Respectfully submitted,

By 
Howell H. Sherrod, Jr., BPR No. 842
SHERROD, GOLDSTEIN & LEE
249 East Main Street
Johnson City, Tennessee 37604
(423) 928-8321

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel for all parties of interest in this case by delivering a true and exact copy of said pleading to the offices of said counsel in person or by placing a true and exact copy of said pleading in the United States Mail, addressed to said counsel at his office, with sufficient postage thereon to carry same to its destination.

This the 18 day of Nov, 2011.

SHERROD, GOLDSTEIN & LEE

By 

Copy to:

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JESSEE & JESSEE
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